

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE BALVERDE, individually and on behalf
of all others similarly situated,

Case No. 15 cv 05518 (ER)

Plaintiff,

- against -

LUNELLA RISTORANTE, INC. d/b/a
LUNELLA RISTORANTE, and GAETANA
RUSSO, jointly and severally,

NOTICE OF CROSS MOTION

Defendants.
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PLEASE TAKE NOTICE, that upon the the affirmation of Jared M. Lefkowitz, Esq. dated December 2, 2015; the affidavits of Luis Zambrano, Cesar Antonio Naranjo, and Ivan Tsitsuashvili, all signed and sworn to on November 30, 2015; and the other Exhibits attached hereto, defendants hereby move pursuant to Rule 12(b)(6), 12(c), and/or 56 of the Federal Rules of Civil Procedure to dismiss plaintiff Carlos Garcia as a plaintiff in this action.

PLEASE TAKE FURTHER NOTICE, that the motion will be heard at 40 Foley Square, New York, New York in the courtroom of the Honorable Edgar Ramos, United States District Judge, at a time to be set by the Court.

Dated: New York, NY
December 2, 2015

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JARED M. LEFKOWITZ

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